

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
FEBRUARY 5, 2002
6:30 P.M.**

MINUTES

1. Call to Order

Mayor Seei called the meeting to order at 6:30 p.m. and announced a quorum was present.

Present were: Mayor Seei, Mayor Pro Tem Osuna, Deputy Mayor Pro Tem Reveal, Council member Simpson, Council member Nichols, Council member West and Council member Maso.

Staff present: City Manager George Purefoy, Assistant City Manager Curtis Hawk, Assistant City Manager Scott Young, Assistant to the City Manager Jason Gray, Director of Planning John Lettelleir, City Engineer Frank Jaromin, City Attorney Richard Abernathy, City Secretary Nan Parker, Communication and Media Relations Director Dana Baird-Hanks.

2. Invocation.

Mayor Seei offered the invocation.

3. Pledge of Allegiance.

Deputy Mayor Pro Tem Reveal led the audience in the Pledge of Allegiance.

4. Adoption of Ordinance canvassing the Election Returns of February 2, 2002.

Mayor Pro-Tem Osuna moved to adopt **Ordinance No. 02-02-17** therein canvassing the Election Returns of the Local Option Election, Proposition Nos. 1 and 2 held on February 2, 2002. Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

5. Citizen Input.

Korrine Vanderpool was present to address the Council regarding the stadium from the new High School being built on County Road 112. She also complained about the cut-through traffic on the same road. She requested additional police officers to patrol the

road during the week for heavy trucks and those violating speed limits. She voiced concerns about County Road 69 being locked up, therefore not allowing traffic to use the road.

Dan Ryan was present to address the Council regarding the petitions that had called for the February 2, 2002 Local Option Election. He presented some petitions to Mayor Seei.

Dorothy Kuhn was present to address the Council regarding concerns about the Local Option Election. She was concerned that the passage of the election might make it more difficult for her to rent her rent house (behind the Thirsty Turtle).

There were no other citizens present to address the Council.

6. Reports.

A. City Manager's update of "Project Status Tracking Report Governance Tool".

Deputy Mayor Pro Tem Reveal asked about the status of Hillcrest Road. Frank Jaromin, City Engineer informed the Council that they had had a construction meeting on Monday, February 4, 2002 with the contractor. The contractor stated they should be finishing up the paving this week with the exception of a few driveways that will be finished within the next week, weather permitting. Mr. Jaromin stated that Hillcrest probably should be open within approximately three weeks to get signage and road buttons in place. He (Jaromin) stated that there will be road closures in the future to provide for the installation of inlets to capacity to relieve flooding where there had been flooding in the past.

Mayor Pro-Tem Osuna asked about the status of the old section where there is disrepair. Frank Jaromin stated that the staff is working on a city-wide contract for repairs. One would be Lebanon at Hillcrest; Hillcrest past Bocage; Preston Vineyards; North County going east to repair Williams Street; installation of a left hand turn off Stonebrook into the Post Office.

Council member West stated that there was a place on 720 going west on Teal, 720 and Teal and she has had numerous complaints about there not being a turn there. She has noticed that individuals are crossing the median. Frank Jaromin stated the City has plans and the City is trying to work this out with the developer. He also stated that there is a plan to have a traffic light installed in that area.

Deputy Mayor Pro Tem Reveal requested that the roads that are being worked on be placed on the web page. Dana Baird-Hanks stated that the road improvements still are being published in the Focal Point.

B. Staff update on Parks/Recreation activities.

Director of Parks & Recreation Rick Wieland was present to update the Council regarding the Daddy-Daughter Dance and that all tickets had been sold out. He stated that they have had increased demand. He stated that this dance is the largest in the area. He also said that they are researching what they can do for next year.

Mr. Wieland stated that there had been a meeting on Saturday, February 2, 2002 for the dedication of a kiosk and the naming of Seei Circle in honor of Mayor Seei's contribution to the City.

Deputy Mayor Pro Tem Reveal asked about the status of a skateboard park area. Mr. Wieland stated that Dudley Raymond has been researching this area and will bring back more information at a later date.

Mayor Seei asked about the report from Dudley Raymond regarding park fees. Mr. Wieland stated that the process on each development they check to see if there is a need for a neighborhood park in that specific area. If there is a need then they try to get outright acquisition or through dedication. He explained that they look at each park site on a case-by-case basis.

C. Staff update on Development Services activities.

Council member Simpson noticed that about 26% of almost 3200 inspections have been red-tagged. He asked if this is about where the inspection department has been averaging. Donnie Mayfield stated that this has been the average. He stated that this is required to get the quality of construction that the City of Frisco desires.

D. Staff update on Planning Department activities.

Discussion only, no formal action was taken.

E. Staff update on Superdome activities.

Discussion only, no formal action was taken.

7. Consent Agenda.

The Consent Agenda was considered to approval. Deputy Mayor Pro Tem Reveal moved to pull Item 7K. Council member West seconded the Motion. Motion carried. Vote: 6-0. Tony Felker requested Item 7I be pulled for separate discussion. Council member Simpson moved to pull item 7I for separate discussion. Council member Simpson moved to approve the Consent Agenda, excluding Items 7I and 7K. Deputy Mayor Pro Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

MINUTES

- A. Approval of the Minutes of the Special Called City Council Meeting on January 10, 2002 and the Minutes of the Regular City Council Meeting held on January 15,

2002.

AGREEMENTS/POLICIES

- B. Approval of tax refunds over \$500.00.
- C. Approval of a proposal to establish a Control Monumentation System based on Global Positioning System with Hunter Associates Texas, Ltd.
- D. Approval of the purchase of two (2) Ford F-150 Half-ton Super Cab Pickups at \$19,689.27 each and one (1) Ford F-350 at \$26,862.23 for the Utility Department through HGAC.
- E. Approval of the purchase of three (3) Ford F-150 Super Cab Pickups at \$17,617.95 each and one (1) Ford F-250 Diesel Three Quarter Ton Super Cab Pickup at \$25,100.70 for the Meter Department through HCAC.
- F. Adoption of **Resolution No. 02-02-31R** authorizing the filing of a project application with the NCTCOG for a regional solid waste program local project.
- G. Approval of an Agreement for professional services by and between the City of Frisco and Carter and Burgess, Inc. for Preston Manor Park and adoption of **Resolution No. 02-02-32R** therein authorizing the City Manager to sign the Agreement.
- H. Approval of an Agreement for professional services by between the City of Frisco and Carter and Burgess, Inc. for the lighting of the Youth Center ball field and adoption of Resolution **No. 02-02-33R** therein authorizing the City Manager to sign the Agreement.
- I. Approval of an Agreement for professional services by and between the City of Frisco and PGAL for the Preston Road Median and Parkway improvements and adoption of Resolution authorizing the City Manager to sign the agreement

The item was pulled for separate discussion. Council member Simpson wanted to be sure that the \$94,000 is included in the 2.7 million that had been previously approved. Following discussion, Council member Simpson moved to adopt **Resolution No. 02-02-34 R** therein approving the Agreement for Professional Services by and between the City of Frisco and PGAL for the Preston Road Median and Parkway improvement and authorizing the City Manager to sign the Agreement. Deputy Mayor Pro Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

- J. Adoption of Resolution **No. 02-02-35 R** therein establishing the Frisco Enterprise and the Dallas Morning News as the official newspapers of the City of Frisco, Texas.

K. Adoption of Resolution No. 02-02-36R therein creating a Street Naming Policy for the City of Frisco.

Item K was pulled for separate discussion. Tony Felker, 11700 Lebanon Road, addressed the Council regarding the recent name change of Cotton Gin Road. He stated that the Heritage Association would like to work with the City on renaming roads and keep the Heritage of Frisco in the City. He stated that they (Heritage Association) would just like to be kept in the loop.

Following discussion, Council member Simpson moved to adopt **Resolution No. 02-02-36R** therein creating a Street Name Policy for the City. Deputy Mayor Pro Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

PAY ESTIMATES

- L. Approval of Pay Estimate No. 2 for Project No. CV-0389, Frisco Square, Phase 1, to Soiltech Engineering & Testing, Inc. in the amount of \$26,526.00.
- M. Approval of Pay Estimate No. 10 for Project No. CV-0006, Hillcrest Road, to Glenn Thurman, Inc. in the amount of \$16,872.00.
- N. Approval of Final Pay Estimate for Project No. CV-0163, Traffic Signal at SH 289 & Gaylord Parkway, to Roadway Solutions, Inc. in the amount of \$15,485.00.
- O. Approval of Pay Estimate No. 7 for Project No. CV-0407, Wade Blvd. Section 2, to Glenn Thurman, Inc. in the amount of \$31,935.77.
- P. Approval of Pay Estimate No. 1 Cotton Wood Branch Sewer Main, to John Burns Construction Company in the amount of \$198,819.80.
- Q. Approval of payment to the Frisco Independent School District in the amount of \$2.8 Million per the Participation Agreement among the City of Frisco, Frisco Independent School District and the TIRZ#1.

AGREEMENTS

- R. Approval of The First Addendum to City of Frisco, Board of Directors of Reinvestment Zone Number One, and Frisco Independent School District Agreement to Participate in the Frisco Tax Increment Reinvestment Zone Number One and adoption Resolution **No. 02-02-37R** therein authorizing the City Manager to sign the Agreement.
- S. Approval of request from Five Star to reimburse Five Star for land planning, architectural, and engineering fees associated with the development of the Frisco Square master plan as it relates to the development of the District, in the amount

of \$250,000 as provided in Section 5(i) of the Frisco Square Development Agreement between Five Star/Frisco Square Ltd., and the City of Frisco.

- T. Approval of a Personal Services Agreement, with Riders for entertainment by and between Three Dog Night, a California Partnership and the City of Frisco and adoption of **Resolution No. 02-02-38R** therein authorizing the City Manager to sign the Agreement.
- U. Approval of a Personal Services Agreement, with Riders for entertainment by and between the City of Frisco and P&H Music, Producer and adoption of **Resolution No. 02-02-39R** therein authorizing the City Manager to sign the Agreement.
- V. Approval of an Agreement to acquire a waterline easement by and between the City of Frisco and Estate of Charles R. Gartner and adoption of **Resolution No 02-02-40R** therein authorizing the City Manager to sign the Agreement.

END OF CONSENT AGENDA

8. Legislative Agenda

The Legislative Agenda was considered for approval. Council member Simpson requested that Item 8N be pulled for separate discussion. Mayor Pro-Tem Osuna moved to pull Item 8N, Deputy Mayor Pro Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

PLATS/SITE PLANS

- A. Approval of Final Plat, Conveyance Plat & Site Plan: Fellowship of Frisco, Block A, Lots 1, 2, and 3. Applicant(s): Fellowship of Frisco. A church on three lots on 16.3± acres on the southwest corner of Linkside Drive and Coit Road. Zoned Planned Development-19-Commercial-1/Single-Family-4 with Specific Use Permit-69 for a Church and Specific Use Permit-70 for a Day Care. Neighborhood #25.
- B. Approval of Final Plat: Hunters Creek, Phase 9. Applicant(s): Tipton Engineering. 155 single-family lots and one open space lot on 53.5± acres on the northeast corner of Independence Parkway and Kelmscot Drive. Zoned Single Family-4 and Single Family-5. Neighborhood #27.
- C. Approval of Site Plan & Final Plat: Grayhawk Elementary School. Applicant(s): Fisd & RLK Engineering. An elementary school on one lot on 8.12± acres on the southeast corner of Jaguar Drive and Roadster Drive. Zoned Planned Development-157/Single Family-5. Neighborhood #49

ORDINANCES

- D. Adoption of **Ordinance No. 02-02- 18** therein amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01 rezoning a tract of land consisting of 27.2 ± acres from Agriculture to Information Technology on the east side of Teel Parkway, 1150 ±- feet south of Main Street (F.M. 720).(Z2001-0029)

- E. Adoption of **Ordinance No. 02-02-19** therein amending the Comprehensive Zoning Ordinance No. 00-11-01, Article III (Zoning Districts), Section 3(2.03)(E); regarding modifications to a building, premise, or land regulated by a Specific Use Permit. (ZA2001-0009)
- F. Adoption of **Ordinance No. 02-02-20** therein amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; granting a Specific Use Permit for a Day Care on 16.5 ± acres, being Lot 1, Block A of the St. Francis of Assisi Addition, located on the northwest corner of Eldorado Parkway and Rogers Road.(SUP2001-0021)
- G. Adoption of **Ordinance No. 02-02-21** therein amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; repealing Ordinance No. 01-12-92; granting a for a SUP for a car wash on 1.2 ± acres on the north side of Main Street (FM 720) 950 ± feet east of Teel Parkway. (SUP2001-0015)
- H. Adoption of **Ordinance No. 02-02-22** therein amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; repealing Ordinance No. 01-12-93; granting a for a Specific Use Permit for a day care on 2.3 ± acres 1000 ± feet east of Teel Parkway, 300 ± feet north of Main Street (F.M. 720). (SUP2001-0016)
- I. Adoption of **Ordinance No. 02-02-23** therein repealing Ordinance Nos. 91-09-03, 91-09-04, 95-07-04, 95-10-22, 00-03-04, 00-03-35, 00-05-12, 01-05-38 and 01-06-46 adopting the 2000 Edition of the International Building Code.
- J. Adoption of **Ordinance No. 02-02-24** therein repealing Ordinance Nos. 91-09-05, 95-07-05 and 00-03-34 adopting the International Plumbing Code.
- K. Adoption of **Ordinance No. 02-02-25** therein adopting the 2000 Edition of the International Fuel Gas Code.
- L. Adoption of **Ordinance No. 02-02-26** therein repealing Ordinance Nos. 91-09-06, 95-07-06 and 00-03-03 adopting the 2000 Edition of the International Mechanical Code.
- M. Adoption of **Ordinance No. 02-02-27** therein repealing Ordinance Nos. 91-10-01, 91-10-02, 04-04-33 and 01-04-34 adopting the 2000 Edition of the International Property Maintenance Code.
- N. Adoption of **Ordinance No. 02-02-28** establishing the Construction Board of Appeals of the City of Frisco.

Council member Simpson stated that terms of the board need to be changed to be in sync with the other board appointments. Donnie Mayfield asked that the Board be appointed as soon as possible. He stated that he would like to bring the board applicants back to council at the February 19, 2002 Meeting. The council agreed to extend their term from appointment and give extension of a few months to those

appointed on March 5, 2002. Following discussion, Council member Simpson moved to adopt **Ordinance No. 02-02-28** therein establishing the Construction Board of Appeals. Council member Maso seconded the Motion. Motion carried. Vote: 6-0.

END OF LEGISLATIVE AGENDA

9. Governance Agenda.

The Governance Agenda was considered for discussion.

Discussion regarding scope of Governance Council Subcommittee.

Discussion only, no formal action was taken.

END OF GOVERNANCE AGENDA

Regular Agenda

10. Presentation of recommendations for amendments to the City of Frisco Home Rule Charter by the Charter Review Commission.

Assistant City Manager Curtis Hawk stated that the Charter Revision Committee had worked on the revisions to the Charter for 18 weeks, approximately 40 hours. He thanked the Commission for meeting every Monday evening and for their due diligence in review of the Charter.

Harold Bacchus, Chairperson and Jennifer Granberry, Vice Chairperson of the Home Rule Charter Review Commission ("Commission") were present to address the council regarding the commission's review and recommendations for amendment to the City of Frisco Home Rule Charter.

Ms. Granberry gave a brief overview of what the Commission had reviewed and the proposed propositions to be presented to the voters.

Action: Schedule a Joint Work Session between February 5 and February 19, 2002 to review the recommendations.

11. Public Hearing: Recommendations for amendments to the City of Frisco Home Rule Charter.

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Mayor Pro-Tem Osuna seconded the Motion. Motion carried. Vote: 6-0.

There being no one else to address the Council, Deputy Mayor Pro Tem Reveal moved to moved to close the public hearing. Council member Maso seconded the Motion. Motion carried. Vote: 6-0.

Action: No formal action was taken pending the Joint Work Session of the City Council and the Charter Revision Commission.

12. Public Hearing/First Hearing: Request for a voluntary annexation of a tract of land situated in the Henry Slack Survey Abstract No. 840, Collin County, Texas containing 100.726 acres, more or less. The property is located northeast corner of C.R. 71 and C.R. 23. (Case A2002-01) (Applicant: Robert L. Crews, Jr., Cool Bear Partners, Ltd.)

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Mayor Pro-Tem Osuna seconded the Motion. Motion carried. Vote: 6-0.

City Attorney Richard Abernathy informed the Council that the property lies within the City of Frisco's extraterritorial jurisdiction, is contiguous to the existing city limits and is eligible for annexation. The Service Plan was available for public inspection.

There being no one to address the Council, Deputy Mayor Pro Tem Reveal moved to close the public hearing. Council member Maso seconded the Motion. Motion carried. Vote: 6-0.

Action: No action was taken pending the second public hearing.

13. Public Hearing: Zoning Case Z2000-67. Applicant(s): City of Frisco. A request to amend the Comprehensive Zoning Ordinance regarding front, side, and rear yards in single-family and two-family districts and consider and act upon adoption of an Ordinance of the same.

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Council member Simpson seconded the Motion. Motion carried. Vote: 6-0.

Director of Planning John Lettelleir was present to address the Council. He (Lettelleir) reminded the Council that the item had been tabled in June of 2001.

There being no one else to address the Council, Deputy Mayor Pro Tem Reveal closed the public hearing. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Council member Simpson moved to adopt **Ordinance No. 02-02-30** therein amending the Comprehensive Zoning Ordinance regarding front, side, and rear yards in single-family and two-family districts. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Action: Adoption of Ordinance No. 02-02-30.

14. Public Hearing: Zoning Case ZA2002-0001. Applicant(s): City of Frisco. A request to consider amending the Comprehensive Zoning Ordinance regarding

the permitted uses in the Multifamily-1 and Multifamily-2 zoning districts. (If approved by P&Z on 1/30/02).

Mayor Pro Tem Osuna opened the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Director of Planning John Lettelleir, updated the Council on the Planning & Zoning Commission's recommendations.

There being no one to address the Council, Deputy Mayor Pro Tem Reveal closed the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro Tem Osuna moved to approve the permitted uses in the Multifamily-1 (MF-1) and Multifamily-2 (MF-2) zoning classification subject to the approval of uses by right **except** for Town homes (TH) and Duplexes. Council member Nichols seconded the motion. Voting For: Mayor Pro Tem Osuna, Deputy Mayor Pro Tem Reveal, Council member Nichols and Council member West. Voting Against: Council member Simpson and Council member Maso. Motion carried. Vote: 4-2.

Action: Approved subject to the adoption of the Ordinance.

15. Consider and act upon approval of Park Development Projects recommended by the Parks and Recreation Board in the amount of \$807,500.00.

Director of Parks and Recreation Rick Wieland was present to address the Council with recommendations by the Parks & Recreation Board in the amount of \$807,500.00

Mr. Wieland presented the Council with a Memo that had the Parks and Recreation Board Recommendations for Park Development Projects to be considered for FY'02 (Attached to and made a part of these minutes as Exhibit "A").

Following discussion, Council member Simpson moved to approve the Park Development Projects, as recommended by the Parks & Recreation Board, in the amount of \$807,500.00. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Action: Approved.

16. Consider and act upon approving an amendment to the City's Sign Ordinance to allow interim regulations permitting temporary real estate directional signs.

Chaz Fitzgerald, representing the Developer's Council, was present to address the Council regarding the need for real estate directional signs. He stated that all of the homebuilders were extremely concerned that potential homebuyers were not able to find their subdivisions.

Kent Roberts, Paul Caduro, Marsue Haffner, Jack Vaughn and Eddie Collins reiterated Mr. Fitzgerald's comments.

Mr. George Milvern spoke against the stake directional signs that many homebuilders use.

Following lengthy discussion, there was no action taken pending the public hearing by the Planning & Zoning Commission regarding proposed (revised) sign ordinance. The Planning & Zoning Commission had tabled the item until their February 26, 2002 Meeting.

Action: No action pending the recommendation from the Planning & Zoning Commission.

17. Consider and act upon resignation by a City Council Member.

Mayor Pro Tem Osuna announced his intention to run for Mayor of the City of Frisco and presented a letter of resignation to the City Council. Mayor Pro Tem Osuna read his letter of resignation into the record. Following discussion, Deputy Mayor Pro Tem Reveal moved to accept Mayor Pro Tem Osuna's letter of resignation based on his campaign for Mayor. Council member West seconded the motion. Motion carried. Vote: 5-0.

Action: Acceptance of Letter of Resignation. Mayor Pro Tem Osuna to remain active on Council until his position is filled either by appointment or election.

18. Discuss process for appointing a Council Member and any other matters incident thereto.

Discussion regarding the provision in the City's Home Rule Charter which calls for the appointment of a replacement of a Council member within thirty (30) days of resignation.

Following discussion, Council agreed to bring back names for recommendation/replacement at the February 19, 2002 Regular Council Meeting.

Action: None.

19. Consider and act upon approval of a request to amend or rescind Specific Use Permits 74 and 102 for Open Storage on 5.6+ acres on the north side of C.R. 112 at S.H. 121. Zoned Highway with an SUP for Open Storage.(SUP02-0001) Neighborhood #27.

Director of Planning John Lettellier gave a brief background of the specific use permit for amending or to rescind permits No. 74 and 102.

Robert Watson, Attorney, 500 N. Akard Street, Dallas, Texas, representing Hertz, was present to address the Council regarding the request to amend the specific use permit to

allow a completion date of February 2, 2002. Mr. Watson stated that all of the conditions of the SUP have been met and that everything has been completed.

Dan Newhouse, of Hertz from Denver, Colorado, was available for questions.

Council member Simpson moved to approve item #19 with the movement of today's date for the installing landscaping. The motion failed due to a lack of a second.

Deputy Mayor Pro Tem Reveal moved to approve SUP02-0001 with the completion date of February 2, 2002. Council member Simpson seconded the motion. Motion carried. Vote: 6-0

Action: Approval of SUP02-0001 with completion date of February 2, 2002.

20. Consider and act upon adoption of an Ordinance amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, creating Article IV, Section 11 (Design and Development Standards for Retail). (ZA01-0006). Tabled at the January 15, 2002 City Council meeting.

Deputy Mayor Pro Tem Reveal moved to remove from table. Council member West seconded the motion. Motion carried. Vote: 6-0

Mitch Humble, Planner was present to address the Council. He stated that the proposed ordinance had two changes that needed to be addressed (1) distance criteria needed to be amended and (2) clerical error that needed to be corrected.

Kirk Williams was present to address the Council regarding the Design and Development Standards for Retail located at the southeast corner of FM 720 and FM 423. Mr. Williams presented the City Council with a letter during the discussion.

Don Woodbury, Principal at FM 720 & FM 423, gave a brief background of the request and requested to approve the change.

Mayor Pro Tem Osuna asked Mr. Lettelleir if wanted to change the ordinance, what would be required. Mr. Lettelleir answered to approve the ordinance tonight. Mayor Pro Tem Osuna asked Mr. Lettelleir is they wanted to change it again. Mr. Lettelleir answered that a public hearing would need to be done with Planning & Zoning Commission and the City Council and publish it.

Mr. Williams stated if the Council does not agree with the language proposed, they would go and restructure their property and do a replat.

Mr. Lettelleir voiced concerns about the lot frontage onto the thoroughfare.

Council member Maso moved to adopt **Ordinance No. 02-02-30** amending Zoning Ordinance #00-11-01 incorporating proposed amendment with applying the 1650' exception only along FM 423. Mr. Lettelleir requested to add the loading areas located

within that and off-street loading/parking. Council member Maso agreed to the request. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0

Action: Adoption of Ordinance No. 02-02-30

21. Consider and act upon adoption of an Ordinance amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Creating Article III, Section 3 (5) (Tollway Overlay District). (ZA01-0007). Tabled at the January 15, 2002 City Council meeting.

Deputy Mayor Pro Tem Reveal moved to remove the item from the table. Council member West seconded the motion. Motion carried. Vote: 6-0

Planner Mitch Humble gave a brief background on the ordinance for the Tollway Overlay District.

Deputy Mayor Pro Tem Reveal moved to **table** to February 19, 2002 Council meeting. Council member West seconded the motion. Motion carried. Vote: 6-0

Action: Tabled to February 19, 2002 Council meeting.

22. Consider and act upon adoption of an Ordinance amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; granting a Specific Use Permit for an antenna and antenna support structure, commercial (over 50 feet) on .6 ± acre on the north side of Town & Country Boulevard, 500 ± feet west of Legacy Drive. (SUP2001-0020)

Director of Planning John Lettelleir gave a brief background and recommended approval.

Council member Simpson moved to adopt **Ordinance #02-02-31** approving SUP2001-0020 for an antenna and antenna support structure. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0

Action: Adoption of Ordinance #02-02-31 granting an SUP for an antenna and antenna support structure, commercial (over 50 feet).

23. Consider and act upon approval of an Agreement by and between the City of Frisco and Hutson Industries and adopt a Resolution authorizing the City Manager to sign the Agreement. Tabled at the January 15, 2002 City Council Meeting.

Deputy Mayor Pro Tem Reveal moved to remove from table. Council member Simpson seconded the motion. Motion carried. Vote: 6-0

City Manager George Purefoy stated that the language was put back in the agreement.

Council member Simpson moved to adopt **Resolution #02-02-41R** approving the agreement with Hutson Industries. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0

Action: Adoption of **Resolution #02-02-41R** approving the agreement.

24. Consider and act upon approval of an Agreement for the Construction of Legacy Drive & Stonebrook Parkway and related infrastructure improvements by and between Bert Fields and the City of Frisco and adopt a Resolution authorizing the City Manager to sign the Agreement.

Deputy Mayor Pro Tem Reveal moved to **table** the agreement with Bert Fields. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0

Action: Tabled.

25. Consider and act upon appointment of a Citizen Bond Committee.

The nominations from the City Council for a Citizen Bond Committee as follows:

Council member Maso – Mark DeMattia
Council member West – Dan Novak
Deputy Mayor Pro Tem Reveal – Cindy Willman
Mayor Seei – Michael McBride
Mayor Pro Tem Osuna – Garrett Blair
Council member Nichols – Dan Ryan
Council member Simpson – Lynn Vanhorn

Council member Simpson moved to approve the nominations from each of the City Council members along with the Chair/President of the Chamber of Commerce, Economic Development Corporation, Chair of Community Development Corporation, Chair of Parks and Recreation Board, Chair of Library Board, and Heritage Foundation. Council member West seconded the motion. Motion carried. Vote: 6-0

Action: Appointment of Bond Committee.

26. Consider and act upon appointment of an Ad Hoc Governance Council Subcommittee.

Council member Maso moved to appoint Deputy Mayor Pro Tem Reveal, Council member Nichols, and Council member Simpson to serve on the Ad Hoc Governance Council Subcommittee. Council member West seconded the motion. Motion carried. Vote: 6-0

Action: Appoint Deputy Mayor Pro Tem Reveal, Council members Nichols and Simpson to serve as Ad Hoc Governance Council Subcommittee.

27. Consider and act upon appointment of an Ad Hoc Workforce Housing Advisory Committee.

Janet McCubbin recommended removing Steve Hulse and Chaz Fitzgerald from the Committee and replacing with Audie Adkins and Allan Hudson.

Deputy Mayor Pro Tem Reveal moved to approve the recommendation for the Committee. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0

Action: Approval of removal of Steve Hulse and Chaz Fitzgerald replacing with Audie Adkins and Allan Hudson – Ad Hoc Work Force Housing Advisory Committee.

28. Consider and act upon the City of Frisco participating in the Sister City program.

Assistant City Manager Curtis Hawk gave a background on a Sister City program for the City of Frisco and recommended participating.

Mayor Pro Tem Osuna moved to approve of becoming a Sister City with Cat Santa Mexico. Council member Simpson seconded the motion. Motion carried. Vote: 6-0

Action: Participate in a Sister City program.

29. Consider and act upon approval of an Escrow Agreement among Tiger Lily Properties Associates, L.P., Intermandeco, Ltd., City of Frisco and Signature Title Company and adopt a Resolution authorizing the City Manager to sign the Agreement.

City Manager George Purefoy recommends that the agreement be approved.

Deputy Mayor Pro Tem Reveal moved to adopt **Resolution #02-02-43R** approving the escrow agreement with Tiger Lily Properties Associates, L.P., Intermandeco, Ltd., City of Frisco, and Signature Title Company. Council member West seconded the motion. Motion carried. Vote: 6-0

Action: Adoption of Resolution #02-02-43R approving escrow agreement.

30. Discussion regarding validity of petitions for Local Option Election and any other matters incident thereto.

Discussion only, no formal action was taken.

31. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code.

Deputy Mayor Pro Tem Reveal moved to recess into closed session at 12:02 a.m. Council member West seconded the motion. Motion carried. Vote: 6-0.

Mayor Seei read into the record that the City Council was in closed session at 12:02 a.m.

- I. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- II. Section 551.074. Discussion with City Manager regarding staff performance.
- III. Section 551.071. Consultation with the attorney for the City regarding:
 - (a) Legal aspects of zoning control; and,
 - (b) Condemnation and settlement of property for Spring Creek Parkway.
- IV. Section 551.072. To deliberate the acquisition of real property located (1) west of Preston, east of Legacy, north of Stonebrook, and south of Eldorado Parkway and (2) west of Future Legacy, east of Teel, north of FM 720 and south of FM 2934.

32. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Deputy Mayor Pro Tem Reveal moved to reconvene into regular session at 12:30 a.m. Council member Maso seconded the motion. Motion carried. Vote: 6-0

Action: None

33. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- ☐ Staff set up a meeting with the Charter Review Commission for a joint meeting.
- ☐ Read ordinances at the end of the meeting instead of in the middle of the meetings and for the staff to get with City Attorney.
- ☐ Post an item about County Road to open up of the gate that is always shut for discussion as well as communicate with John Bruce about beefing up enforcement of County Road 112.
- ☐ Check the property lines of the school and our property and the current zoning is on the Lawler tract.
- ☐ Policing of Thirsty Turtle of the alcohol/food ratio with TABC.
- ☐ Proclamation for the Charter Review Commission.
- ☐ Staff to determine the definition of screening.
- ☐ Heritage Association to provide a list of street names.
- ☐ Handbills and solicitation at the next Council meeting.
- ☐ Tollway Overlay on the February 19, 2002.

34. Discussion on Governance Monitoring of present City Council Meeting.

Council member Simpson gave his report on the Council meeting.

Discussion only, no formal action taken.

35. Adjourn.

Deputy Mayor Pro Tem Reveal moved to adjourn the meeting at 12:45 a.m. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0

Kathleen A. Seei, Mayor

ATTEST:

Nan Parker, City Secretary